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where the assault is one which might be reasonably anticipated because of the general character of the work, or of the particular duties imposed upon the workmen, injuries resulting therefrom may be found to arise out of and in the course of the employment. *Reithel's Case* (1915) 222 Mass. 163 (where the superintendent of a mill was killed while ejecting a trespasser); *Weekes v. Stead* (1914) 83 L. J. (K. B.) 1542 (where a superintendent was assaulted and killed by a man refused work); *Trim Joint Dist. School v. Kelly* (1914) 1915A Ann. Cas. (Eng.) 104 (where a school master was assaulted and killed by pupils); *Macfarlane v. Shaw* (1915) 52 Sc. L. Rep. 236 (where an iron-moulder was assaulted by a stranger); *Thorn v. Humm* (1915) 112 L. T. 88 (where a taxicab driver driving an officer to a fort late at night was shot by a sentry). In view of these cases it seems that the duties of and circumstances surrounding a night watchman might make such an accident as that in the principal case the result of a risk reasonably incident to the employment.

E. J. M.

STATUTES—"TRIAL MARRIAGE" IN NEW YORK.—*McCANN v. McCANN* (1917) 56 N. Y. L. J. 1849.—The plaintiff sued for the annulment of a marriage on the ground that she was only seventeen years of age when she married the defendant and had left him before reaching the age of eighteen, not having cohabited with him since that time. There was born of the marriage one child which is still living. Held, that under the New York Code of Civil Procedure the plaintiff was entitled to an annulment of the marriage.

"Trial marriages" in New York are not only permitted but encouraged under the code. Sec. 1743 provides: "An action may also be maintained to procure a judgment, declaring a marriage contract void and annulling the marriage for either of the following causes existing at the time of the marriage: (1) That one or both of the parties had not attained the age of legal consent." Sec. 15 of the Domestic Relations Law provides that where the man is under twenty-one years of age and the woman under eighteen, written consent of the parents is necessary before the issuance of a marriage license. By one section a marriage is absolutely void from the time its nullity is declared by a court of competent jurisdiction, if either party thereto is under the age of legal consent. *Kruger v. Kruger* (1910) 137 App. Div. (N. Y.) 289. By another section it is permissible to issue marriage licenses to such persons if their parents consent. This incongruity should be corrected by the legislature. That it is in fact "trial marriage" is shown by the number of cases in which annulment has been granted, though the marriage was with the consent of the parents and there was cohabitation. *Conte v. Conte* (1903) 82 App. Div. (N. Y.) 335; *Earl v. Earl* (1904) 96 App. Div. (N. Y.) 639; *Wander v. Wander* (1906) 111 App. Div. (N. Y.) 189; *Mundell v. Coster* (1913) 80 Misc. (N. Y.) 337. The principal case presents a practical state of affairs in that there is a child of the "trial marriage." *Quaere*, what is the status of the child, and who is liable for its support?

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